

EXHIBIT 33

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HYUNHUY NAM,

Plaintiff,

-against-

Case No. 1:21-cv-06165-AJN

PERMANENT MISSION OF THE REPUBLIC OF KOREA TO THE
UNITED NATIONS,

Defendants.

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136-20 38th Avenue
Flushing, New York

April 4, 2022
3:45 p.m.

DEPOSITION of TAEHO KIM, a non-party
witness on behalf of the Defendant herein, taken
by the attorneys for the Plaintiff, pursuant to
Notice, held at the above time and place before
Maria Lemmo, a Stenotype Reporter and Notary
Public within and for the State of New York.

1 A P P E A R A N C E S:

2

3 HANG & ASSOCIATES, PLLC
Attorneys for Plaintiff
4 136-20 38th Avenue, Suite 10G
Flushing, New York 11354

5

BY: SHAN ZHU, ESQ.
6 YONGJIN BAE, ESQ.

7

KIM, CHO & LIM, LLC
8 Attorneys for Defendant
460 Bergen Boulevard, Suite 305
9 Palisades Park, New Jersey 07650

10 BY: JOSHUA S. LIM, ESQ.

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14 ALSO PRESENT:

15 SEAN KIM, Korean Interpreter
Eiber Translations

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2 S E A N K I M, the Korean Interpreter herein,
3 was duly sworn to interpret the questions from
4 English into Korean and the answers from Korean
5 into English, to the best of his ability:

6 T A E H O K I M, the witness herein, having
7 been duly sworn through the Interpreter, was
8 examined and testified as follows:

9 EXAMINATION BY

10 SHAN ZHU, ESQ.:

11 Q. What is your name, please?

12 A. Taeho Kim.

13 Q. What is your address?

14 A. 335 East 45th Street, New York, New York
15 10017.

16 Q. Mr. Kim, you were here with Mr. Jo
17 throughout his deposition; is that correct?

18 A. Yes.

19 Q. So we can go direct to the questions and
20 you're familiar with the rules concerning how to
21 conduct a deposition?

22 A. Yes, I heard it because at the beginning
23 I heard guidelines.

24 Q. If you need any break, just let us know.

25 A. Yes.

1 T. Kim

2 day-to-day job duties?

3 A. So like Mr. Jo explained earlier about
4 what UN does and the kind of meetings that take
5 place. I also get involved and I participate in
6 the area of political affairs among these
7 discussions and meetings.

8 Q. Is that fair to say you will participate
9 in these meetings with Mr. Jo?

10 A. I cannot say I'm always there with Mr.
11 Jo in all these meetings, because under the
12 political affairs umbrella there are a variety
13 of meetings that take place. So I attend
14 together with Mr. Jo in some meetings and
15 sometimes we go in separate meetings.

16 Q. Is that fair to say majority of the time
17 you participated with Mr. Jo together?

18 A. So it's difficult for me to say it's
19 most of the time that's the case. I think to put
20 it another sense, we work in the same department.

21 Q. Also, earlier Mr. Jo identified Mr. Nam
22 as his team member. Are you his team member;
23 would you consider Mr. Nam and Mr. Jo as your
24 team member as well?

25 A. Yes, in the aspect of the same

1 T. Kim

2 department, yes, I would say he's the same team.

3 Q. Other than you, Mr. Jo and Mr. Nam as
4 well as the Minister Mr. Chung, is there any
5 other person who you consider as the team member?

6 A. Well, with regard to this litigation
7 with Mr. Nam's case, I would say just Minister
8 Chung, Mr. Jo and myself are the team members.

9 MR. LIM: During 2020 and 2021. If you
10 say Ministers, let's include 2016. We're
11 talking about 2016 to 2021 because I'm
12 confused.

13 Q. Let's say for the timeframe February
14 2020 until 2021 July, is there any other person
15 that you consider as a team member other than Mr.
16 Nam, Mr. Kim, Mr. Jo and Minister Chung?

17 A. So the mission's characteristic is that
18 there's a lot of fluctuation because a lot of
19 turnover happens, someone is assigned someone is
20 not assigned. This kind of cycle repeats itself,
21 but for the time period that you mentioned, it
22 is true that those three people and Mr. Nam were
23 considered as one team.

24 Q. My question is, is there any other
25 person?

1 T. Kim

2 A. In that period of time, we were the ones
3 who mostly worked together as a team.

4 Q. Procedurally were you required just as
5 the P1 which was submitted by Mr. Nam?

6 A. So when you say were you required, are
7 you asking me did I also pen my name, put my name
8 down like this?

9 Q. Yes.

10 A. No, I don't do that.

11 Q. Basically under the Mission's policy,
12 who is required to submit the timesheet?

13 A. So the reason that I did not have to
14 submit this or write is because I was assigned
15 from Korea, so I don't need to submit this or
16 write this. But as for Mr. Nam's case, he had to
17 do. Mr. Nam was Korean person here and he was
18 locally hired person so based on the Korean law
19 and principle, he had to do that.

20 Q. Is that fair statement that any
21 individual who is hired locally is required to
22 record their time?

23 A. According to the Korean legal system,
24 yes.

25 Q. Do you consider everyone hired local a

1 T. Kim

2 diplomatic staff or non-diplomatic staff as based
3 on your understanding?

4 A. It's not a matter of whether one is
5 diplomatic considered or non-diplomatic
6 considered required to sign this form
7 necessarily, but it's based on the Korean system
8 application. So if someone is assigned from
9 Korean and come here, one has to follow the
10 Korean system and in the same way if a person is
11 locally hired, that person also has to follow in
12 the Korean system has to be applied for that
13 person as well.

14 MR. LIM: Off the record.

15 (Whereupon a discussion was held off the
16 record.)

17 Q. Again, if you know, would you consider
18 the local hired people both diplomatic staff and
19 non-diplomatic staff?

20 A. That is correct. Even though one person
21 is hired locally, that person can play a role of
22 diplomatic staff or non-diplomatic staff, yes, I
23 believe so.

24 Q. As to Mr. Nam, would you consider he's a
25 diplomatic employee or non-diplomatic employee?

1 T. Kim

2 only like one liner, but here it's like six
3 lines, seven lines. Where does that come
4 from? Where does that come from?

5 MR. ZHU: Let's save this dispute.

6 Q. Please see Plaintiff's Exhibit 4, 2021
7 contract.

8 A. Yes.

9 Q. In 2021 Mr. Nam should've retired
10 according to Korean retirement law, right,
11 according to the Korean law, right?

12 A. So according to Korean law, if a person
13 reaches 60 years of age, then he is of retirement
14 age. If he becomes 60 at this time, yes, it is
15 correct that retirement age is reached.

16 Q. But Mission made another contract with
17 Mr. Nam, right?

18 MR. LIM: Extended contract, is that
19 what you're saying, extended employment
20 time?

21 MR. BAE: No, they made different
22 contract after Mr. Nam should've retired at
23 the age of 60.

24 A. So you're saying that the contract was
25 entered into beyond the retirement age; is that

1 T. Kim

2 your question?

3 Q. Correct.

4 A. Well, if you look at P4 document, the
5 term of the contract is written on paragraph
6 three, the date is June 30, 2021. That's when
7 the contract terminates. So on that year, I
8 remember that there was one-year extension that
9 was agreed to in the year 2020 until he's 61
10 years old, that he agreed to in the previous
11 year. By June 31, 2021, so he didn't go beyond
12 that, so I cannot say that it went over his
13 retirement age.

14 MR. LIM: By the way, Counsel, I told
15 you that Mr. Kim is here to answer the
16 questions only related to the ledgers, not
17 anything else. You're already going beyond
18 the scope of it. He's not able to answer
19 questions related to anything other than the
20 ledger. I told you specifically, he's here
21 to answer questions related to the ledgers
22 only.

23 MR. BAE: I mean then these were related
24 to Mr. Kim.

25 MR. LIM: That's fine.

1 A C K N O W L E D G M E N T

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3 STATE OF NEW YORK)

4) ss.:

5 COUNTY OF)

6 I, TAEHO KIM, hereby certify that I
7 have read the transcript of my testimony taken
8 under oath in my deposition of April 4, 2022;
9 that the transcript is a true, complete and
10 correct record of what was asked, answered and
11 said during this deposition, and that the
12 answers on the record as given by me are true
13 and correct.

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TAEHO KIM

18 Subscribed and sworn to

19 before me this ____ day

20 of _____, 2022.

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NOTARY PUBLIC

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1 I N D E X

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3	EXAMINATION OF	BY	PAGE
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5		YONGJIN BAE	20-40

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7 E X H I B I T S

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1 C E R T I F I C A T I O N

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3 I, MARIA LEMMO, a Notary Public of the
4 State of New York do hereby certify:

5 That the testimony in the within
6 proceeding was held before me at the aforesaid
7 time and place.

8 That said witness was duly sworn before
9 the commencement of the testimony, and that the
10 testimony was taken stenographically by me, then
11 transcribed under my supervisor, and that the
12 within transcript is a true record of the
13 testimony of said witness.

14 I further certify that I am not related
15 to any of the parties to this action by blood or
16 marriage, that I am not interested directly or
17 indirectly in the matter in controversy, nor am I
18 in the employ of any of the counsel.

19 IN WITNESS WHEREOF, I have hereunto set
20 my hand this 27th day of April, 2022.

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A handwritten signature in black ink, reading "Maria Lemmo", is written over a horizontal line.

MARIA LEMMO

